Remarks

Claims 1-10 were pending. By this Amendment, claims 2, 3, 7, 9 and 10 were cancelled and claims 1, 4, 5, 6, and 8 were amended. Applicants maintain that no new matter has been added by these amendments and therefore respectfully request that the Examiner enter the amendments presented. Applicants reserve the right to prosecute in one or more divisional applications whatever subject matter is not allowed here. Amended claims 1, 4, 5, 6, and 8 are now pending and before the Examiner in this application.

Claims 9 and 10 were rejected under 35 U.S.C. §112, second paragraph and 35 U.S.C. §101 on the assertion that the claims do not set forth any steps involved in the method/process. Claims 9 and 10 have been cancelled.

Claim 8 was rejected under 25 U.S.C. 102(a) as being anticipated by Weber, M.A., American Journal of Cardiology on the assertion that Weber teaches pharmaceutical combinations of Telmisartan and ramipril. Claim 8 has been amended to be directed to a method for treating dementia and/or regression of cognitive function. The study described in Weber, by contrast, was to compare cardiovascular endpoints in patients at high risk of cardiovascular events and whom are likely to be hypertensive. Accordingly, applicant respectfully submits that this ground for rejection be withdrawn.

The Examiner rejected claims 1 to 10 under 35 U.S.C. §103(a) as allegedly unpatentable over Mihm et al. U.S. Patent No. 5,565,469. The Examiner asserts that Mihm teaches a benzimidazole angiotensin II antagonists in combination with ACE inhibitors for use in treatment of cognitive function. Applicant respectfully submits that the Examiner wrongfully asserts that formula I of Mihm encompasses the sartan compound Telmisartan. Telmisartan is chemically described as 4'-[(1,4'-dimethyl-2'-propyl[2,6'-bi-1H-benzimidazol]-1'-yl)methyl]-[1,1'-biphenyl]-**2-carboxylic acid**. Telmisartan possesses a carboxy group as the substituent of R4 (not formyl as suggested) and is therefore clearly out of the scope and not disclosed in the cited reference. Telmisartan is covered by US Patent No. 5,591,762 but this patent does not teach or suggest combinations with ACE inhibitors. The pending claims have been restricted to co-

administration of Telmisartan and the ACE inhibitor ramipril. Accordingly, Applicant respectfully submits that this ground of rejection should be withdrawn.

Applicants respectfully submit that all the pending claims are allowable and therefore solicits a Notice of Allowance for all of the pending claims. If the Examiner feels that a telephone interview would be helpful in advancing prosecution of this application, the Examiner is invited to contact the attorney below.

Version of the Specification with Markings to Show Changes Made by this Amendment

In accordance with 37 C.F.R. § 1.121(c)(1)(ii), the following marked up version of the specification amended herein is provided to show all of the changes relative to the previous version before the amendments herein.

--1. (Amended) --1. A method of treatment of dementia and/or regression of cognitive function~~,~~ in a human or non human mammal in need of such treatment comprising the co-administration of pharmaceutically effective amounts of telmisartan and ramipril. ~~an ANG II antagonist and an ACE inhibitor to a person in need of such treatment~~

2-3. (Cancelled)

4. The method of claim 1, wherein the telmisartan ~~ACE inhibitor~~ is administered in a daily dosage of 0.018 mg/kg to 6.429 mg/kg orally or of about 0.286 mg/kg parenterally and the ramipril ~~ANG II antagonist~~ is administered in a daily dosage of 0.143 mg/kg to 7.143 mg/kg orally or of about 0.286 mg/kg parenterally.

5. The method of claim 4, wherein the telmisartan ~~ACE inhibitor~~ is administered in a daily dosage of 0.071 mg/kg to 1.429 mg/kg orally and the ramapril ~~ANG II antagonist~~ is administered in a daily dosage of 0.286 mg/kg to 1.429 mg/kg.

6. The method of claim 1, wherein the telmisartan ~~ACE inhibitor~~ is administered in a daily dosage of 0.036 mg/kg to 0.143 mg/kg orally and the ramapril ~~ANG II antagonist~~ is administered in a daily dosage of 0.571 mg/kg to 1.143 mg/kg.

7. (Cancelled)

8. A method ~~Pharmaceutical composition for the treatment of the human or non-human mammalian body~~ for treating dementia and/or regression of cognitive function in the human or non-human body comprising the administration of telmisartan ~~as ANG II antagonist~~ in an amount of 40 mg to 80 mg and ramipril ~~as ACE inhibitor~~ in an amount of 2.5 mg to 10 mg in single dosage units for simultaneous, separate or sequential use in treatment of said indications, optionally together with one or more pharmaceutically acceptable diluents and/or carriers.

9-10. (Cancelled)

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20,2003.

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October 21,2003

Dated

Respectfully submitted,

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